

ATTACHMENT 40

2003 FCC Form 499-A Telecommunications Reporting Worksheet

EN 10/30

820538

>>> Please read instructions before completing. <<<

Annual Filing - Due April 1

Block 1: General Information

During the year, entities must submit this form to the FCC by the date of filing. See instructions.

101 Filer 499 ID (If you don't know your number, contact the administrator at (877) 580-4460.)

If you are a new filer, leave blank and a Filer 499 ID will be assigned to you.

102 Legal name of reporting entity

Buzz Telecom, Corporation

820538

103 IRS employer identification number

41-2046438

104 Name telecommunications service provider is doing business as

Buzz Telecom

105 Principal communications business (Check the one that best describes the reporting entity -- see directions. Check one box only.)

☐ CAP/LEC

☐ Cellular/PCS/SARL (wireless telephony incl. by resale)

☐ Local Reseller

☐ Incumbent LEC

☐ Payphone Service Provider

☐ Prepaid Card

☐ Private Service Provider

☐ Paging & Messaging

☐ Satellite Service Provider

☐ Shared-Tenant Service Provider / Building LEC

☐ SARL (dispatch)

☐ Toll Reseller

☐ Wireless Data

☐ Other Local, Other Mobile or Other Toll is checked.

☐ Other Local

☐ Other Mobile

☒ Other Toll

106 Holding company (LAW) all listed companies must show the same name on this line.)

None

107 FCC Registration Number (FRN) (https://www.fcc.gov/ohs/Registration.html) (For assistance, contact the CORES help desk at 877-480-3201 or CORES@fcc.gov)

0007-2782-86

108 Management company (If center is managed by another entity)

None

109 Complete mailing address of reporting entity

8380 Louisiana Street

110 Complete business address for customer inquiries and complaints (If different from address entered on Line 109)

MERRILLVILLE, IN 46410

112 Attachments (List all attachments that you have used in the past 3 years to growing telecommunications)

1

1				
2				
3				
4				

2002 FCC Form 499-A Telecommunications Reporting Worksheet

Page 2

201 Fax 499 ID (from Line 101)	
202 Legal name of reporting entity (from Line 102)	Buzza Telecom, Corporation
203 Person who completed this worksheet	Recovery Affairs Office
204 Telephone number of this person	214.751.5320 ext.
205 Fax number of this person	214.751.5717 ext.
206 E-mail of this person	RECOVERY@EBUZZ.BZ
207 Corporate office, city name, and mailing address to which future Telecommunications Reporting Worksheets should be sent	Buzza Telecom, Corporation Attn: Recovery Affairs 8380 Louisiana Street Merrillville, IN 46410
208 Billing address and billing contact person: Plan administrators will send bills for contributions to this address. Please attach a written request for alternative billing arrangements.	Rebecca Terwin Above Address
209 O.C. Agent for Service of Process (per 47 U.S.C. 413)	NATIONAL RECOVERY AGENTS, INC.
210 Telephone number of D.C. agent	ext.
211 Fax number of D.C. agent	ext.
212 E-mail of D.C. agent	
213 Complete business address of D.C. agent for hand service of documents	1090 VERMONT AVE., N.W. SUITE 910, WASHINGTON D.C. 20005
214 Local alternate Agent for Service of Process (per 47 U.S.C. 413)	
215 E-mail of local alternate agent	
216 Complete business address of local alternate agent for hand service of documents	

All carriers must complete Lines 209 through 213.

Carriers must complete Lines 1, 2, and 6 (above and below) in 2002 version. See instructions.

2001 FCC Form 499-A Telecommunications Reporting Worksheet

Page 3

Block 2: Do not leave blank. See instructions for completion.

Carriers must file Blocks 1, 2 and 5

If there are any changes in this section. See instructions.

219 Filer 499 ID Item Line 101

220 Legal name of reporting entity (from Line 102)

Buze Telecom Corporation

221 Chief Executive Officer (or, highest ranking company officer if the filing entity does not have a chief executive officer)

KUNTZEL, KURTIS

222 Business address of individual named on Line 221

same as Line 100 ☒

223 Second ranking company officer, such as Chairman, but not the individual listed on Line 221

KUNTZEL, KEANAN

224 Business address of individual named on Line 223

same as Line 100 ☒

225 Third ranking company officer, such as President or Secretary, but not either of the individuals listed on Lines 221 or 223

226 Business address of individual named on Line 225

same as Line 100 ☐

227 Indicate jurisdictions in which the filing entity provides telecommunications service. Include jurisdictions in which service was provided in the past 15 months and jurisdictions in which service is likely to be provided in the next 12 months.

- | | | | | |
|---|--|--|---|--|
| <input type="checkbox"/> Alabama | <input type="checkbox"/> Guam | <input type="checkbox"/> Massachusetts | <input type="checkbox"/> New York | <input type="checkbox"/> Tennessee |
| <input type="checkbox"/> Alaska | <input type="checkbox"/> Hawaii | <input type="checkbox"/> Michigan | <input type="checkbox"/> North Carolina | <input type="checkbox"/> Texas |
| <input type="checkbox"/> American Samoa | <input type="checkbox"/> Idaho | <input type="checkbox"/> New Jersey | <input type="checkbox"/> North Dakota | <input type="checkbox"/> Utah |
| <input type="checkbox"/> Arizona | <input type="checkbox"/> Illinois | <input type="checkbox"/> New Mexico | <input type="checkbox"/> Northern Mariana Islands | <input type="checkbox"/> U.S. Virgin Islands |
| <input type="checkbox"/> Arkansas | <input type="checkbox"/> Indiana | <input type="checkbox"/> New York | <input type="checkbox"/> Ohio | <input type="checkbox"/> Vermont |
| <input type="checkbox"/> California | <input type="checkbox"/> Iowa | <input type="checkbox"/> New York | <input type="checkbox"/> Oklahoma | <input type="checkbox"/> Virginia |
| <input type="checkbox"/> Colorado | <input type="checkbox"/> Kansas | <input type="checkbox"/> New York | <input type="checkbox"/> Oregon | <input type="checkbox"/> White Island |
| <input type="checkbox"/> Connecticut | <input type="checkbox"/> Kentucky | <input type="checkbox"/> New York | <input type="checkbox"/> Pennsylvania | <input type="checkbox"/> Washington |
| <input type="checkbox"/> Delaware | <input type="checkbox"/> Maryland | <input type="checkbox"/> New York | <input type="checkbox"/> Puerto Rico | <input type="checkbox"/> West Virginia |
| <input type="checkbox"/> District of Columbia | <input type="checkbox"/> Massachusetts | <input type="checkbox"/> New York | <input type="checkbox"/> Rhode Island | |
| <input type="checkbox"/> Florida | <input type="checkbox"/> Michigan | <input type="checkbox"/> New York | <input type="checkbox"/> South Carolina | |
| <input type="checkbox"/> Georgia | <input type="checkbox"/> Minnesota | <input type="checkbox"/> New York | <input type="checkbox"/> South Dakota | |
| | <input type="checkbox"/> Missouri | <input type="checkbox"/> New York | <input type="checkbox"/> Tennessee | |
| | <input type="checkbox"/> Montana | <input type="checkbox"/> New York | <input type="checkbox"/> Texas | |
| | <input type="checkbox"/> Nebraska | <input type="checkbox"/> New York | <input type="checkbox"/> Utah | |
| | <input type="checkbox"/> Nevada | <input type="checkbox"/> New York | <input type="checkbox"/> Vermont | |
| | <input type="checkbox"/> New Hampshire | <input type="checkbox"/> New York | <input type="checkbox"/> Virginia | |
| | <input type="checkbox"/> New Jersey | <input type="checkbox"/> New York | <input type="checkbox"/> Washington | |
| | <input type="checkbox"/> New Mexico | <input type="checkbox"/> New York | <input type="checkbox"/> West Virginia | |
| | <input type="checkbox"/> New York | <input type="checkbox"/> New York | <input type="checkbox"/> Wyoming | |

PERSONS MAKING WILLFUL FALSE STATEMENTS IN THE WORKSHEET MAY BE PUNISHED BY FINE OR IMPRISONMENT UNDER TITLE 18 OF THE UNITED STATES CODE, 18 U.S.C. 1001

FCC Form 499-A

Primary Use

2002 FCC Form 498-A Telecommunications Reporting Worksheet

Page 4

301 Filer ID (from Line 101)

302 Legal name of reporting entity (from Line 102)

Report billed revenues for January 1 through December 31, 2001

Do not report any negative numbers. Dollar amounts may be rounded to the nearest thousand dollars. However, report all amounts as whole dollars.

See instructions regarding percent interstate & international.

Revenues from Services Provided for Resale by Other Contributors to Federal Universal Service Support Mechanisms

Resale services

303 Monthly service, local calling, connection charges, vertical features, and other local exchange service including subscriber line and PCC charges to DCCs

a Provided as unbundled network elements (UNEs)

b Provided under other arrangements

304 Per-minute charges for originating or terminating calls

a Provided under state or federal access tariff

b Provided as unbundled network elements or other contract arrangement

305 Local private line & special access service

306 Payphone compensation from toll carriers

307 Other local telecommunications service revenues

308 Universal service support revenues received from Federal or state sources

Other services (including but not limited to the following)

309 Monthly, activation, and message charges except toll

Other services

310 Operator and toll calls with alternative billing arrangements (credit card, collect, international call-back, etc.)

311 Ordinary long distance (direct-dialed MTS, customer toll-free 800/900 service, 910/101 toll, access to monthly account maintenance, 800 pass-through, and other services not reported above)

312 Satellite services

BULL TELECOM CORPORATION

Total
RevenuesIf breakouts are not both
amounts, enter whole
percentage estimates

Interstate

International

Breakouts

Interstate
RevenuesInternational
Revenues

(a)

(b)

(c)

(d)

(e)

PERSONS MAKING WILLFUL FALSE STATEMENTS IN THE WORKSHEET CAN BE PUNISHED BY FINE OR IMPRISONMENT UNDER TITLE 18 OF THE UNITED STATES CODE, 18 U.S.C. § 1001

FCC Form 498-A

USHC

Fax: 2027760082

Jun 25 2003

5:01

P.3

T-318 P 005/008 F-175

Jun 25 2003

2002 FCC Form 499-A Telecommunications Reporting Worksheet

Page 5

Part 2. Revenues from All Other Sources (end-user telecom. & non-telecom.)

401 Filer 499 ID (from Line 101)	BJZZ TELECOM CORPORATION				
402 Legal name of reporting entity (from Line 102)	BJZZ TELECOM CORPORATION				
Report billed revenues for January 1 through December 31, 2001 Do not report any negative numbers. Dollar amounts may be rounded to the nearest thousand dollars. However, report all amounts as whole dollars. See instructions regarding percent interstate & international.	Total Revenues	If breakdowns are not book amounts, enter whole percentage estimates		Breakouts	
	(a)	Interstate (b)	International (c)	Interstate Revenues (d)	International Revenues (e)
Revenues from All Other Sources (end-user telecom. & non-telecom.)					
403 Surcharges or other amounts on bills identified as recovering State or Federal universal service contributions					
End-user services					
404 Monthly service, local calling, connection charges, vertical features, and other local exchange service charges except for federally tariffed subscriber line charges and PICC charges	0				
405 PICC charges levied by a local exchange carrier on a no-PIC customer and Tariffed subscriber line charges					
406 Local private line and special access service					
407 Payphone coin revenues (local and long distance)					
408 Other local telecommunications service revenues					
Interstate and international services					
409 Monthly and activation charges					
410 Message charges including roaming, but excluding toll charges					
Toll services					
411 Prepaid calling card (including card sales to customers and non-carrier distributors) reported at face value of cards	0				
412 International calls that both originate and terminate in foreign points	0	0%	100%		
413 Operator and toll calls with alternative billing arrangements (credit card, collect, international call-back, etc.) other than revenues reported on Line 412	0				
414 Ordinary long distance (direct-dialed MTS, customer toll-free 800/888 service, toll-free 800/888 toll-free account, international, PICS, etc.)	0				
415 Long distance private line services	0				
416 Satellite services	0				
417 All other long distance services	0				
418 Information services, inside wiring maintenance, billing and collection customer premises equipment, published directory, dark fiber, Internet access, cable TV program transmission, foreign carrier operations, and non-telecommunications revenues (See instructions.)	0				
419 Gross billed revenues from all sources (incl. reseller & non-telecom.)	0				
420 Universal service contribution base (Lines 403 through 411)	0				

WARNING: KNOWINGLY FALSE STATEMENTS IN THIS WORKSHEET CAN BE PUNISHED BY THE FBI AS A VIOLATION UNDER TITLE 18 OF THE UNITED STATES CODE, 18 U.S.C. § 1001

FCC Form 499-A
February 2002

T-311 P 006/008 F-175

F-1

Jun-01-2002 10:00:00

USRC

Fax: 2027760082

Jun 25 003 5:01

P

2002 FCC Form 499-A Telecommunications Reporting Worksheet

Page 5

501 Filer 499 ID from Line 191

502 Legal name of reporting entity from Line 102

Boat Telecom Corporation

Most filers must contribute to LNP administration and must provide the percentages requested in Lines 503 through 510. Filing entities that use Line 503 to certify that they are exempt from this requirement need not provide this information.

Percentage of revenues reported in Block 3 and Block 4 billed in each region of the country. Round or estimate to nearest whole percentage. Enter 0 if no service was provided in the region.

		Block 3 Carrier's Carrier (a)	Block 4 End User Telecom. (b)
503 Southeast	Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Puerto Rico, South Carolina, Tennessee, and U.S. Virgin Islands	%	%
504 Western	Alaska, Arizona, Colorado, Idaho, Iowa, Minnesota, Montana, Nebraska, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming	%	%
505 West Coast	California, Hawaii, Nevada, American Samoa, Guam, Johnston Atoll, Midway Atoll, Northern Mariana Islands, and Wake Island	%	%
506 Mid-Atlantic	Delaware, District of Columbia, Maryland, New Jersey, Pennsylvania, Virginia, and West Virginia	%	%
507 Mid-West	Illinois, Indiana, Michigan, Ohio, and Wisconsin	%	%
508 Northeast	Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont	%	%
509 Southwest	Arkansas, Kansas, Missouri, Oklahoma, and Texas	%	%
510 Total	[Percentages must add to 0 or 100]	%	%
511	Revenues from resellers that do not contribute to Universal Service support mechanisms are included in Block 4, Line 420 but may be excluded from a filer's TRS, MAURA, LNP, and FCC universal telephone service provider regulatory fee contribution bases. To have these amounts excluded, the filer has the option of identifying such revenues below.	%	%

(a)

Total Domestic

(b)

Domestic and International

Revenues shown on this page must be reported on the worksheet and may be reported on the worksheet.

FCC Form 499-A
February 2002

2002 FCC Form 499-A Telecommunications Reporting Worksheet

Page 7

Block 4 CERTIFICATION: To be signed by an officer of the filer.

601 Filer 499 ID (from Line 101)

602 Legal name of reporting entity (from Line 187)

BUREL TELECOM, CORPORATION

Section IV of the instructions provides information on which types of reporting entities are required to file for which purposes. Any entity claiming to be exempt from one or more contribution requirements should so certify below and attach an explanation. (The Universal Service Administrator will determine which entities meet the *de minimis* threshold based on information provided in Block 4, even if you fail to so certify below.)

603 I certify that the reporting entity is exempt from contributing to:

Universal Service ☐

TRS ☐

NANPA ☐

LNP Administration ☐

Provide explanation below:

604 I certify that the revenue data contained herein are privileged and confidential and that public disclosure of such information would likely cause substantial harm to the competitive position of the company. I request nondisclosure of the revenue information contained herein pursuant to Sections 0.459, 52.17, 54.711 and 64.604 of the Commission's Rules.

I certify that I am an officer of the above-named reporting entity, that I have examined the foregoing report and, to the best of my knowledge, information and belief, all statements of fact contained in this Worksheet are true and that said Worksheet is an accurate statement of the affairs of the above-named company for the previous calendar year. In addition, I swear, under penalty of perjury, that all requested identification registration information has been provided and is accurate.

605 Signature

[Handwritten Signature]

606 Printed name of officer

William B. Zycki

607 Position with reporting entity

CORPORATE AFFAIRS OFF

608 Date

10/23/02

609 Check

☒ Filer's registration only

☐ Filer's registration only

☐ Filer's registration only

☐ Filer's registration only

Do not mail checks with this form. Send this form to: Form 499 c/o NECA, 80 South Jefferson Road, Whippany, New Jersey 07981

For additional information regarding this worksheet contact: Telecommunications Reporting Worksheet Information: (973) 360-4460 or via e-mail: Form499@neca.org

PENALTY: MAKING WILLFUL FALSE STATEMENTS IN THIS WORKSHEET CAN BE PUNISHED BY FINE OR IMPRISONMENT UNDER TITLE 18 OF THE UNITED STATES CODE, 18 U.S.C. 1001

FCC Form 499-A
February 2002

USRC

Fax: 2027780082

Jun 23 2003 5:01

08

T-816 P 008/008 F-175

F-008

2003 6:12am

ATTACHMENT 41

1 A. At that point, I took over what Mr.
2 Brzycki -- not really took over, but got more
3 involved in what he was working on.

4 Q. Now, once the fax was sent to you in
5 November of 2002, did you ever direct anybody to
6 insure that the matters that were agreed to in
7 the stipulation were in fact carried out by
8 Business Options, Inc.

9 A. Miss Dennie.

10 Q. Miss Dennie.

11 A. Yes.

12 Q. There was an order that was entered by
13 the state of Vermont Public Service Board on
14 November 7, 2002.

15 A. Okay. I'm looking at it.

16 Q. Could you tell us approximately when
17 it was that you became aware that this order had
18 been issued?

19 MR. HAWA: Objection. The question
20 has been asked and answered.

21 Q. I think I asked before about the

1 petition, if the order was included.

2 A. I may have misstated then. Oh, it's
3 the same fax.

4 Q. It came in the same fax?

5 A. Yes.

6 Q. The November 26 fax?

7 A. Yes.

8 Q. All right. Did you read through the
9 order?

10 A. I believe so.

11 Q. Just so we are clear we are talking
12 about the same thing, the order I am looking at
13 goes on for eight pages and on page eight it
14 bears the signatures of apparently three persons
15 who are with the Public Service Board of Vermont.

16 A. Yes, that's the one I'm looking at.

17 Q. And, on pages one through seven,
18 there's all sorts of legal stuff.

19 A. Yes.

20 Q. And at some point you read through
21 this document and managed to stay awake?

ATTACHMENT 42

1 to you is whether or not you have ever seen this
2 letter before?

3 A. Yes.

4 Q. Was this -- is this the letter that
5 you were referring to that Ms. Hoffman sent you?

6 A. I do believe it was. As I recall,
7 this was the initial one. She sent them or she
8 faxed them, I don't remember.

9 Q. As the result of receiving this
10 letter, could you walk us through what you did?

11 A. Well, we basically decided that we
12 needed to send the letters out to our customers
13 letting them know that we would no longer be
14 operating in the State of Vermont. And we
15 developed a rough-sketch program, so to speak, of
16 what steps needed to be done.

17 Q. When you say "we," I take it there's
18 somebody in addition to yourself that was
19 involved here?

20 A. Initially, I met with Kurtis. And
21 then later on, I discussed it with Lisa Green.

1 A. Peter Wolfe, I spoke to him. And
2 there was another lady, I can't remember her name
3 right off the bat, that I spoke with.

4 Q. With respect to Peter Wolfe, did you
5 speak with him about section 63.71 or was it
6 another matter?

7 A. I think that the times that I spoke to
8 him, it was concerning when we would provide him
9 with the information because we were running
10 behind. And I would ask him for an extension and
11 that sort of thing.

12 Q. The letter that you have in front of
13 you, the November 19 letter, is this a letter
14 that you recall bringing to Kurtis's attention?

15 A. Yes.

16 Q. Did you and he read the letter over
17 together?

18 A. I believe so. I'm not certain. I'm
19 not -- I may have put it in his box and he read
20 it on his own. But I do remember a time when he
21 and I sat down together and looked at it.

1 Q. As a consequence of looking at it, was
2 there some discussion as to what you were going
3 to do about this?

4 A. Yes.

5 Q. And what is it that you recall from
6 that discussion in terms of what you were going
7 to do?

8 A. He developed a mini program based on
9 what they wanted us to do. So it would be easier
10 for us to keep track of what stage we were in.

11 Q. And by developing a mini program, are
12 you talking about something on a computer?

13 A. Yes.

14 Q. A computer program?

15 A. No. Not a computer program, it was
16 just a little -- in Word. It just said do this
17 first, do this second, do this third.

18 Q. An action plan of some kind?

19 A. Yes.

20 Q. Do you personally still have a copy of
21 that action plan?

ATTACHMENT 43

1 billing service in May, meaning that every
2 customer that was on our service was getting free
3 service from that point forward. Then toward the
4 end of December, 2002 is when any customers that
5 were left with us -- a disconnection of service
6 letter was sent on their behalf.

7 Q. Subsequent to December of 2002, has
8 Business Options resumed providing long-distance
9 service to anybody in Vermont?

10 A. Are you saying since that time?

11 Q. Right, since December of 2002.

12 A. Not to my knowledge.

13 Q. Would that also be true of the other
14 company names that we have mentioned --

15 A. Yes.

16 Q. -- like Buzz Telecom --

17 A. Yes.

18 Q. -- U.S. Bell --

19 A. Yes.

20 Q. -- Link?

21 A. Yes.

COURT REPORTERS, ETCetera, INC.

(202) 628-DEPO (410) 653-1115 1-800-947-DEPO (3376)

"We'll cover your job ANYWHERE in the country!"

ATTACHMENT 44

1 our mini program was developed, it was given to
2 me. And that's what I worked off of.

3 Q. In other words, from the November 19
4 letter that we had looked at previously, you and
5 Kurtis or Kurtis developed an action plan to deal
6 with the matter. The matter was given to you and
7 you ran with it?

8 A. Yes.

9 Q. So there wasn't any need for you to go
10 back to Kurtis with this particular document?

11 A. In hindsight, I should have. However,
12 at the time, I didn't think that.

13 Q. And what is it about hindsight that is
14 telling you that you should have given him the
15 63.71 application to look at?

16 A. When we were notified that it was
17 lacking and they weren't satisfied with it.

18 Q. And "they," meaning people at the FCC?

19 A. Vermont and FCC, yes.

20 Q. Vermont as well?

21 A. Uh-huh.

ATTACHMENT 45

DECLARATION OF JON MINKOFF

1. My name is Jon Minkoff. I am employed by the Federal Communications Commission. I currently serve as an attorney with the Competition Policy Division of the Wireline Competition Bureau. From December 2002 to January 2003, I served in the same capacity in the same bureau and same division.

2. On or about December 13, 2002, I received a phone call from Shannon Dennie who identified herself as representing Business Options, Inc. Ms. Dennie asked whether federal regulations required common carriers to file for authority prior to discontinuing telecommunications services. I conferenced in another attorney in the Competition Policy Division, John Adams, who was involved in the processing of filed discontinuance applications. After Mr. Adams and I explained the Federal Communications Commission's discontinuance requirements, Ms. Dennie stated that she anticipated that Business Options, Inc. would be filing for discontinuance authority.

3. On or about December 18, 2002, I received a phone call from Lisa Green who identified herself as representing Business Options, Inc. Ms. Green indicated that she would be drafting a discontinuance application for Business Options, Inc., and requested a copy of a previously-filed application. In response to her request, on December 18, 2002, I faxed her a copy of a discontinuance application filed by Cable & Wireless.

4. On or about December 19, 2002, I received another phone call from Lisa Green. She indicated that Business Options, Inc. may face difficulty in continuing to provide service to its customers for another month, and asked whether the Commission would waive the thirty-one (31) day waiting period. I informed her that I was aware of a very

limited circumstance where an applicant successfully filed for such a waiver. On December 19, 2002, I faxed her a copy of the order granting waiver.

3. Commission records reflect that on December 27, 2002, Business Options, Inc. filed a document styled "Section 63.71 Application" ("Application"), a copy of which appears as Attachment J of the Enforcement Bureau's Admissions Request to Business Options, Inc., which was filed on May 27, 2003.

I declare under penalty of perjury under the laws of the United States of America that the forgoing is true and correct. Executed this 10th day of October, 2003.


Jon F. Minkoff

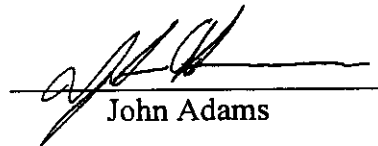
DECLARATION OF JOHN ADAMS

1. My name is John Adams. I am employed by the Federal Communications Commission. Currently, my position is Attorney Advisor in the Wireline Competition Bureau, Competition Policy Division. During the months of December 2002 and January 2003, I was employed in the same capacity.
2. Sometime in December another Attorney in this Division, Jon Minkoff, contacted me regarding the discontinuation of service by Business Options, Inc. Mr. Minkoff and I spoke with an individual who identified herself as representing Business Options, Inc. This representative asked various questions relating to her company's discontinuance of service as a common carrier in the State of Vermont. It is my understanding that in order to assist her, Mr. Minkoff mailed/faxed a copy of such an application to discontinue service that had been recently filed by another carrier.
3. Commission records reflect that on December 27, 2002, Business Options, Inc. filed a document styled "Section 63.71 Application" ("Application") a copy of which appears as Attachment J of the Enforcement Bureau's Admissions Request to Business Options, Inc., which was filed on May 27, 2003. In addition to the Application, Business Options, Inc filed a document styled "Petition for Waiver" (Petition) requesting waiver of the notification requirements found in 47 CFR § 63.71. I reviewed the Application and the Petition and discussed the matter with Jeffrey Carlisle, Senior Deputy Bureau Chief, Wireline Competition Bureau. Some time thereafter, I received a telephone call from a representative of Business Options and based on my discussion with Mr. Carlisle, I advised her that the Application was defective because it failed to comply with the

notification requirements found in 47 CFR § 63.71 and that Business Options Inc. had failed to justify a waiver of the notification provisions.

4. Because of the Application's defects, its filing was never put on public notice. Furthermore, because the Application appeared to indicate that the discontinuation had already occurred and the Bureau was faced with a *fait accompli*, the matter was referred to the Enforcement Bureau for further action.

I declare under penalty of perjury under the laws of the United States of America that the forgoing is true and correct. Executed this 14 day of October, 2003.


John Adams